IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO.1272 OF 2004

Gazebo Industries Ltd.
and Ors. ...Petitioners

Vs.

State of Maharashtra
and Anr. ...Respondents

Mr.Lalit Jain for Advocate
for Petitioners
Mr.Y.S.Shinde, A.P.P. for the State

**CORAM: SMT.V.K.TAHILRAMANI,J.**
**DATE : JUNE 10, 2005**

**P.C.**

1. Heard the learned advocate for the petitioners and the learned A.P.P. for the State. None appeared for the respondents nos. 2 to 5 though served.

2. The petitioners are seeking for quashing of process issued in Case No.633/S/2003 pending before the learned Addl.Chief Metropolitan Magistrate,

17th Court at Mazgaon, Mumbai. In the said case, the process has been issued against the petitioners under Section 138 r.w. 141 of Negotiable Instruments Act.

3. For the reasons recorded in my order dated 8th June, 2005 in Cri.Application No. 645 of 2005 and order dated 9th June, 2005 in Cri.Application No. 1379 of 2005, in my view, it is clear that the petitioners have an efficacious remedy of preferring revision against the order of Magistrate issuing process. Hence, in my view, it would be appropriate that the petitioners prefer a revision before the concerned Sessions Court against the order of the Magistrate issuing process.

4. Liberty is granted to the petitioners to prefer the necessary revision before the concerned Sessions Court. In order to enable the petitioners to take necessary steps, stay to the proceedings before the trial Court, is granted for a period of four weeks.

5. On the necessary revision being preferred by the petitioners before the concerned Sessions

Court, the concerned Sessions Court shall dispose of the matter on merits after hearing the necessary parties.

6. Criminal Application is disposed of.

[V.K.TAHILRAMANI,J.]